

REMARKS

Claims 1-147 were presented for examination and were pending in this application. In an Official Action dated January 29, 2007, claims 1-147 were subject to a requirement for restriction. The requirement for restriction is traversed.

Applicants submit that the restriction requirement is improper for several reasons. First, the Office Action does not describe the species. In the fifth paragraph of the Office Action, the Examiner writes:

The species are *as follows*:

[blank line]

The claims are deemed to correspond to the species *listed above* in the following manner:

[blank line]

The following claim(s) are generic: 1, 39, 74, 78, 114 and 145.

Thus, it is unclear what the Examiner believes the species are, or how the claims correspond to them. See MPEP 814 (“The examiner must provide a clear and detailed record of the restriction requirement...”). Although Applicants sought clarification from both Examiners Bhatia and Cardone, none was provided.

Second, the Examiner cites to PCT Rule 13.1, 35 U.S.C. § 372 and 37 CFR § 1.499. None of these rules or sections applies, as this is not an application in the National Phase. Rather, this application was first filed in the United States. Thus, PCT Rule 13.1, 35 U.S.C. § 372 and 37 CFR § 1.499 do not apply to the instant application.

Third, the groups listed by the Examiner are inappropriate because they separate the dependent claims from their respective independent claims. The Examiner set forth 27 groups of

claims, yet many of the members from different groups depend from the same independent claim. For example, claims 40-73 depend either directly or indirectly from claim 39, yet almost every one of these claims has been placed in a different group. This is not appropriate. By definition, each dependent claim contains the same limitations of the base claim from which it depends. Therefore, the dependent claims should not have been divided among 27 different groups; the application only contains 6 independent claims.

The Examiner designated claims 1, 39, 74, 78, 114 and 145 as generic claims. Applicants respectfully request Examiner proceed with examination of all generic claims. In addition, as required by 37 CFR § 1.143, Applicants provisionally elect to prosecute the subject matter disclosed in claims 40-73. Because claims 40-73 depend either directly or indirectly from claim 39, they are directed toward a single invention. Upon allowance of the generic claims, Applicants are entitled to consideration of additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

Therefore, Applicants request that the unelected claims 2-38, 75-77, 79-113, 115-144, and 146-147 be retained in this patent application, unexamined, pending allowance of this patent application.

Based on the above remarks, consideration of this application and the early allowance of all claims herein are requested. Should the Examiner wish to discuss the above remarks, or if the Examiner believes that for any reason direct contact with Applicants' representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
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